UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SYLVESTER L. TUOHY, *and*
YONGJIE TUOHY,

Plaintiffs,

v.

NEW YORK STATE DEPARTMENT OF
TAXATION AND FINANCE,

Defendant.

24-CV-10070-KMK

ORDER OF SERVICE

KENNETH M. KARAS, United States District Judge:

Plaintiffs, who are proceeding pro se, paid the filing fees to commence this Action. The

Clerk of Court is directed to issue a summons as to Defendant New York State Department of

Taxation and Finance. Plaintiffs are directed to serve the summons and Complaint (Dkt. No. 1)

on the Defendant within 90 days of the issuance of the summons.[1] If within those 90 days,

Plaintiffs have neither served Defendant nor requested an extension of time to do so, the Court

may dismiss the claims against Defendant under Rules 4 and 41 of the Federal Rules of Civil

Procedure for failure to prosecute. *See* Fed. R. Civ. P. 41(b) (permitting dismissal of an action

for failure to prosecute); *Murphy v. L.A. Spaulding et al.*, No. 20-CV-9013, 2020 WL 1063138, at

*1 (S.D.N.Y. Mar. 30, 2022) (dismissing case brought by pro se plaintiff for failure to prosecute);

Armstrong v. Guiccione, 470 F.3d 89, 103 n.1 (2d Cir. 2006) (noting that "a federal district court

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[1] Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, the summons in this Action was not issued when Plaintiffs filed their Complaint. The Court therefore extends the time to serve until 90 days after the date the summons is issued.

has the inherent power to dismiss a case sua sponte for failure to prosecute" (citing *Link v.*

Wabash R.R. Co., 370 U.S. 626, 630–32 (1962)).

Plaintiffs may receive court documents by email by completing the attached form,

Consent to Electronic Service.[2]

SO ORDERED.

DATED: February 3, 2025
            White Plains, New York

KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE

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[2] If Plaintiffs consent to receive documents by email, Plaintiffs will no longer receive court documents by regular mail.